

**REMARKS**

Claims 1-12 are amended herein. Claims 1-12 are pending in the application.

**In the Drawings**

Figs. 5 was objected to. In particular, Fig. 5 allegedly fails to show the transmitting circuit.

A proposed drawing correction is attached hereto to Figs. 5.

Approval of the proposed corrections and withdrawal of the objection to Fig. 5 is respectfully requested.

**35 USC 112 Second Paragraph Rejection of Claims 31-33**

The Office Action rejected claims 1 and 2 as allegedly being indefinite under 35 USC 112.

The claims have been reviewed and are amended where appropriate. It is respectfully submitted that the claims are now in full conformance with 35 USC 112. It is respectfully requested that the rejection be withdrawn.

**Claims 1 and 4 over Latter in view of Hoopes**

In the Office Action, claims 1 and 4 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Latter et al., U.S. Patent No. 6,178,232 ("Latter") in view of Hoopes, U.S. Patent No. 5,905,786 ("Hoopes"). The Applicants respectfully traverse the rejection.

Claim 1 recites, *inter alia*, introducing a digitized version of an audio message to a called telephone apparatus while the called telephone apparatus remains in an on-hook state.

Latter appears to disclose a method and system that provides enhanced caller identification information to a called party (Abstract). When standard caller identification can not be provided, the system transmits a request for audible caller identification information to calling party (Latter, Fig. 5, item 330 and 370). The audible caller identification information is transmitted to the called

party (Latter, Fig. 5, item 380). The caller identification information is provided to the called party if the called party answers the telephone (Latter, Fig. 7, item 530; col. 5, lines 36-40).

The Office Action correctly acknowledged that Latter fails to disclose an audio message introduced to a called telephone during ringing (Office Action, page 3). However, the Office Action relies on Hoopes to allegedly make up for the deficiencies in Latter to arrive at the claimed invention. The Applicants respectfully disagree.

Hoopes appears to disclose a system and method of altering an incoming ring signal to produce a selected ring signal on a telephone device (Abstract). Control codes are transmitted from a system console to an addressable extension module over a telephone line using frequency shift keying (FSK) above the central office limit, allowing data to be transmitted during on-hook, off-hook, ringing and audible conversation without interfering with normal telephone operation (Hoopes, col. 3, line 56-col. 4, line 4). A ring cadence that includes a first ring signal followed by a gap, followed by a second ring signal continues until the call is answered, with caller ID transmitted between the first and second ring signals (Hoopes, col. 4, lines 67-col. 5, lines 9).

Latter discloses audible caller identification information that is provided to a called party if the called party answers a call. Once a called party answers the telephone, the telephone is in an off-hook condition. Introducing an audible caller identification information to a called telephone after the called telephone goes off-hook, i.e., the caller answers the call, **DOES NOT** disclose or suggest introducing a digitized version of a called audio message to a called telephone apparatus while the called telephone apparatus remains in an on-hook state, as recited by claim 1.

Hoopes discloses transmitting control codes using FSK, allowing the control codes to be transmitted during on-hook conditions. Caller ID is conventionally transmitted between a first and second ring signals. Hoopes fails to even mention introducing a digitized version of an audio message to a called telephone apparatus, much less while the called telephone apparatus remains in an on-hook state, as recited by claim 1.

Neither Latter nor Hoopes, either alone or in combination, disclose, teach or suggest introducing a digitized version of an audio message to a called telephone apparatus while the called telephone apparatus remains in an on-hook state, as recited by claim 1.

Claim 4 recites, *inter alia*, receiving a digitized version of an audio message during a silent interval following a ringing signal appearing at a called telephone apparatus.

As discussed above, Latter discloses audible caller identification information that is provided to a called party if the called party answers a call. Once a called party answers the telephone, the telephone is in an off-hook condition. Receiving an audio message after a called party answers a call DOES NOT disclose or suggest receiving a digitized version of an audio message during a silent interval following a ringing signal appearing at a called telephone apparatus, as recited by claim 4.

As discussed above, Hoopes fails to even mention introducing an audio message to a called telephone apparatus, much less disclose or suggest receiving a digitized version of an audio message during a silent interval following a ringing signal appearing at a called telephone apparatus, as recited by claim 4.

Neither Latter nor Hoopes, either alone or in combination, disclose, teach or suggest receiving a digitized version of an audio message during a silent interval following a ringing signal appearing at a called telephone apparatus, as recited by claim 4.

Accordingly, for at least all the above reasons, claims 1 and 4 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

#### **Claims 7 and 10 over Latter in view of Doughty**

In the Office Action, claims 7 and 10 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Latter in view of Doughty, U.S. Patent No. 4,551,581 ("Doughty"). The Applicants respectfully traverse the rejection.

Claim 7 recites, *inter alia*, a signal injector, responsive to a silence detector, introducing a digitized version of an audio message to a called telephone apparatus during a detected silent interval. Claim 10 recites, *inter alia*, a receiver, responsive to a silence detector, receiving a digitized version of an audio message at a called telephone apparatus during a detected silent interval.

As discussed above, Latter appears to disclose a method and system that provides enhanced caller identification information to a called party (Abstract). When standard caller identification can not be provided, the system transmits a request for audible caller identification information to calling party (Latter, Fig. 5, item 330 and 370). The audible caller identification information is transmitted to the called party (Latter, Fig. 5, item 380). The caller identification information is provided to the called party if the called party answers the telephone (Latter, Fig. 7, item 530; col. 5, lines 36-40).

The Office Action relies on Doughty to allegedly make up for the deficiencies in Latter to arrive at the claimed invention. The Applicants respectfully disagree.

Doughty appears to disclose a system and method for sending data messages to a selected station during a silent interval between ringing signals (Abstract). During the silent interval, the sender sends to the selected station an FSK signal representative of the data message (Doughty, col. 8, lines 35-66).

As discussed above, Latter discloses audible caller identification information that is provided to a called party if the called party answers a call. Introducing an audio message to a called telephone apparatus after the called telephone apparatus has gone off-hook **DOES NOT** disclose or suggest introducing and receiving a digitized version of an audio message to a called telephone apparatus during a detected silent interval, as recited by claims 7 and 10.

Doughty discloses sending data messages during a silent interval between ring signals. Doughty discloses a conventional caller ID system with data, i.e., the caller's name and telephone number, being sent to a called telephone. Doughty fails to disclose or suggest introducing and receiving a

digitized version of an audio message, much less during a detected silent interval, as recited by claims 7 and 10.

Neither Latter nor Doughty, either alone or in combination, disclose, teach or suggest introducing and receiving a digitized version of an audio message to a called telephone apparatus during a detected silent interval, as recited by claims 7 and 10.

The Office Action alleges that it is well known in the art that audio caller identification will be transmitted during the silent interval of the ringing cycle of a call (Office Action, page 4). The Applicants respectfully disagree.

The Office Action provides no support for such a contention, with the contention directed towards a very important feature of Applicants' invention. None of the cited references disclose or suggest transmitting audio caller identification during ringing. The Applicants respectfully request the Examiner support the contention by cited prior art, which the Examiner has failed to do at this point.

Accordingly, for at least all the above reasons, claims 7 and 10 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

### **Claims 3 and 6 over Latter in view of Hoopes and Doughty**

In the Office Action, claims 3 and 6 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Latter in view of Hoopes, and further in view of Doughty. The Applicants respectfully traverse the rejection.

Claims 3 and 6 are dependent on claim 1, and are allowable for at least the same reasons as claim 1.

Claims 3 and 6 recite, *inter alia*, introducing a digitized version of an audio message to a called telephone apparatus while the called telephone apparatus remains in an on-hook state.

As discussed above, neither Latter nor Hoopes, either alone or in combination, disclose, teach or suggest introducing a digitized version of an audio message to a called telephone apparatus while the called telephone apparatus remains in an on-hook state, as recited by claims 3 and 6.

The Office Action relies on Doughty to allegedly make up for the deficiencies in Latter and Hoopes to arrive at the claimed invention. The Applicants respectfully disagree.

As discussed above, Doughty discloses detecting sending a data messages during a silent interval between ring signals. Doughty discloses a conventional caller ID system with data, i.e., the caller's name and telephone number, being sent to a called telephone. Doughty fails to disclose or suggest introducing a digitized version of an audio message to a called telephone apparatus, much less while the called telephone apparatus remains in an on-hook state, as recited by claims 3 and 6.

Neither Latter, Hoopes nor Doughty, either alone or in combination, disclose, teach or suggest introducing a digitized version of an audio message to a called telephone apparatus while the called telephone apparatus remains in an on-hook state, as recited by claims 3 and 6.

Accordingly, for at least all the above reasons, claims 3 and 6 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

#### **Claims 2 and 5 over Latter in view of Hoopes and Cannon**

In the Office Action, claims 2 and 5 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Latter in view of Hoopes, and further in view of Cannon et al., U.S. Patent No. 6,353,664 ("Cannon"). The Applicants respectfully traverse the rejection.

Claims 2 and 5 are dependent on claims 1 and 4 respectively, and are allowable for at least the same reasons as claims 1 and 4.

Claim 2 recites, *inter alia*, introducing a digitized version of an audio message to a called telephone apparatus while the called telephone apparatus remains in an on-hook state. Claim 5 recites, *inter alia*, receiving a digitized version of an audio message during a silent interval following a ringing signal appearing at a called telephone apparatus.

As discussed above, neither Latter nor Hoopes, either alone or in combination, disclose, teach or suggest introducing and receiving a digitized

version of an **audio message** at a called telephone while the called telephone apparatus remains in an on-hook state and during a silent interval following a ringing signal, as recited by claims 2 and 5.

The Office Action relies on Cannon to allegedly make up for the deficiencies in Latter and Hoopes to arrive at the claimed invention. The Applicants respectfully disagree.

Cannon appears to disclose customer premises telephone equipment and methods for identifying a calling party's city and/or state location in addition to conventional caller ID information (Abstract). The telephone number of the calling party is detected during the silent interval between the first and second rings (Cannon, col. 2, lines 58-62).

Cannon discloses the conventional use of caller ID, i.e., the caller ID information is detected during a silent interval between the first and second rings of an incoming call. Cannon fails to even mention the transfer of an audio message, much less disclose, teach or suggest introducing and receiving a digitized version of an **audio message** at a called telephone while the called telephone apparatus remains in an on-hook state and during a silent interval following a ringing signal, as recited by claims 2 and 5.

Neither Latter, Hoopes nor Cannon, either alone or in combination, disclose, teach or suggest introducing and receiving a digitized version of an **audio message** at a called telephone while the called telephone apparatus remains in an on-hook state and during a silent interval following a ringing signal, as recited by claims 2 and 5.

Accordingly, for at least all the above reasons, claims 2 and 5 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Claims 8, 9, 11 and 12 over Latter in view of Doughty and Cannon**

In the Office Action, claims 8, 9, 11 and 12 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Latter in view of Doughty, and further in view of Cannon. The Applicants respectfully traverse the rejection.

Claims 8, 9, 11 and 12 are dependent on claims 7 and 10 respectively, and are allowable for at least the same reasons as claims 7 and 10.

Claims 8 and 9 recite, *inter alia*, a signal injector, responsive to a silence detector, introducing a digitized version of an audio message to a called telephone apparatus during a detected silent interval. Claims 11 and 12 recite, *inter alia*, a receiver, responsive to a silence detector, receiving a digitized version of an audio message at a called telephone apparatus during a detected silent interval.

As discussed above, neither Latter nor Doughty, either alone or in combination, disclose, teach or suggest introducing and receiving a digitized version of an audio message to a called telephone apparatus during a detected silent interval, as recited by claims 8, 9, 11 and 12.

The Office Action relies on Cannon to allegedly make up for the deficiencies in Latter and Doughty to arrive at the claimed invention. The Applicants respectfully disagree.

As discussed above, Cannon discloses the conventional use of caller ID, i.e., the caller ID information is detected during a silent interval between the first and second rings of an incoming call. Cannon fails to even mention the transfer of an audio message, much less disclose, teach or suggest introducing and receiving a digitized version of an audio message to a called telephone apparatus during a detected silent interval, as recited by claims 8, 9, 11 and 12.

Neither Latter, Doughty, nor Cannon, either alone or in combination, disclose, teach or suggest introducing and receiving a digitized version of an audio message to a called telephone apparatus during a detected silent interval, as recited by claims 8, 9, 11 and 12.

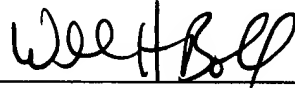
Accordingly, for at least all the above reasons, claims 8, 9, 11 and 12 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.



**Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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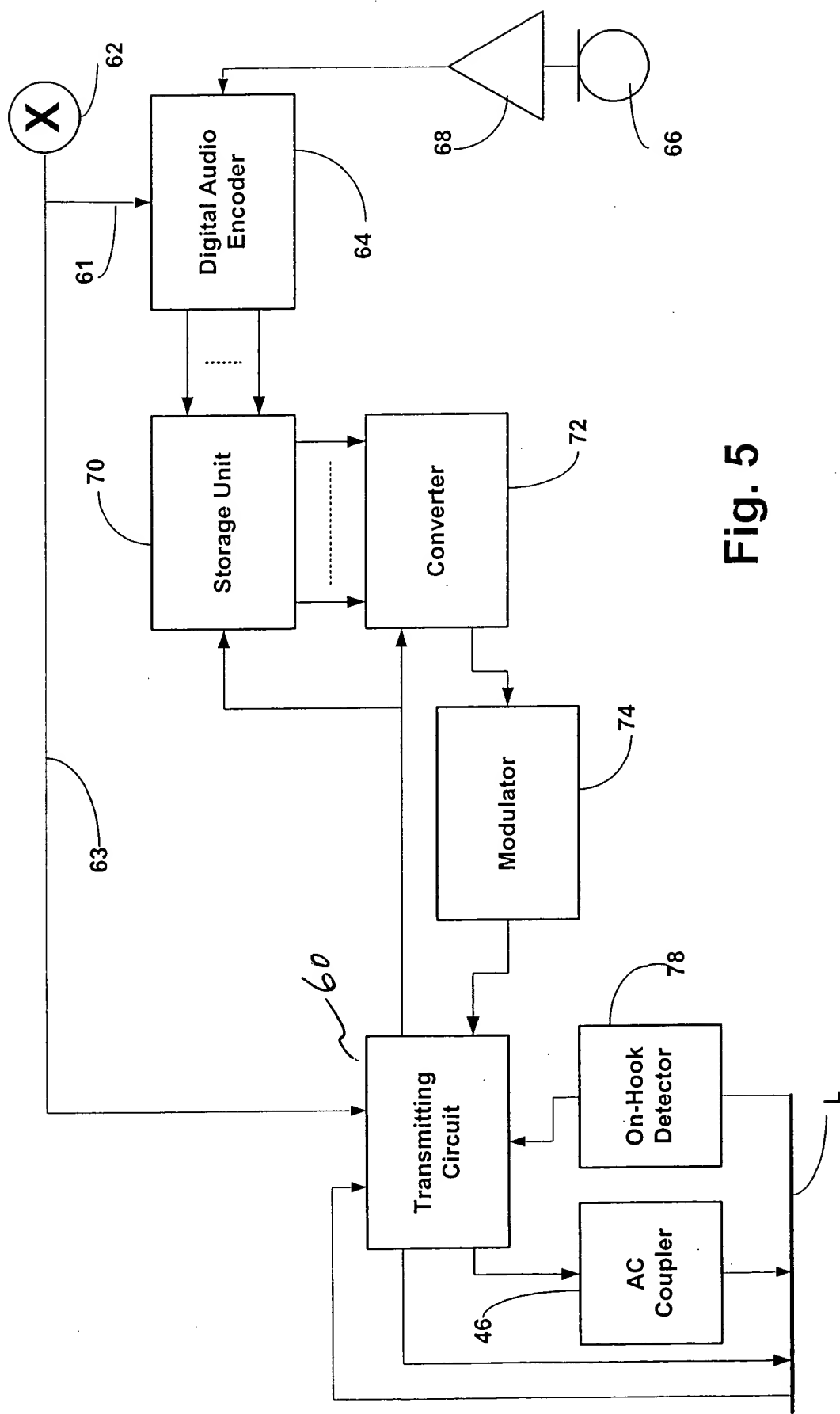


Fig. 5